

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MINNESOTA**

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In re:

Shadrea Letrise Foreman,  
  
Debtor.

Bky. No.: 24-30726

Chapter 13

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**OBJECTION TO CONFIRMATION**

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To: The Debtor, Shadrea Letrise Foreman, through her counsel of record, Matthew M. Tande, Prescott Pearson & Tande, PA, PO Box 120088, New Brighton, MN 55112.

1. Nationstar Mortgage LLC, a secured creditor of the Debtor, submits this objection to the confirmation of the Debtor's proposed chapter 13 plan.

2. This objection is filed pursuant to Bankruptcy Rule 3015(f), Local Rules 3015-3, 3020-1, and 3020-3, and Nationstar Mortgage LLC, requests that this court enter an order denying confirmation of the plan.

3. This case was originally filed under chapter 13 of the Bankruptcy Code on March 20, 2024. The case is now pending in this court.

4. This court has jurisdiction over this objection pursuant to 28 U.S.C. §§ 1334(a) and 157(a), 11 U.S.C. § 1325, and applicable rules. This matter is a core proceeding.

5. Hearing on confirmation of the plan is scheduled for May 9, 2024, at 10:30 a.m., before the Honorable Judge Kesha L. Tanabe, in Courtroom 2C 316 North Robert Street, St. Paul, MN 55101, or as soon thereafter as counsel may be heard.

6. Nationstar Mortgage LLC is a secured creditor pursuant to assignment of that mortgage, dated October 31, 2017 (the “Mortgage”), encumbering real property located at 1614 Hamel Ln, Shakopee, MN 55379 (the “Property”).

7. The Property is the Debtor’s principal residence.

8. The Mortgage was perfected by public recordation on November 6, 2017.

9. Nationstar Mortgage LLC is owed approximately \$3,787.15 in prepetition arrears.

10. The plan is not sufficiently funded to cure all of the prepetition arrears owed to Nationstar Mortgage LLC.

11. The plan purports to modify Nationstar Mortgage LLC’s rights under the Mortgage in contravention of 11 U.S.C. § 1322(b)(2), and thus, does not comport with the provisions of 11 U.S.C. § 1325(a).

**WHEREFORE**, Nationstar Mortgage LLC requests that this court deny confirmation of the Debtor’s chapter 13 plan.

Respectfully submitted,

**TROTT LAW, P.C.**

Dated: March 29, 2024

By: s/ Samuel R. Coleman  
Samuel R. Coleman (#0389839)  
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25 North Dale Street  
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**MEMORANDUM OF LAW IN SUPPORT OBJECTION TO CONFIRMATION**

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**FACTUAL BACKGROUND**

The Debtor filed her chapter 13 plan on March 20, 2024. The confirmation hearing is currently scheduled for May 9, 2024. Upon information and belief, the business records of Nationstar Mortgage LLC demonstrate a prepetition arrearage of approximately \$3,787.15<sup>1</sup>. The Debtor has proposed to pay an estimated \$1,297.00 to Nationstar Mortgage LLC through the plan. The actual arrears are \$32,490.15 more than the Debtor's estimate. The Debtor has allocated \$316.88 to unsecured creditors.

**ARGUMENT**

**THE DEBTOR'S PLAN CANNOT BE CONFIRMED AS PROPOSED.**

Section 1322(b)(2) of the Bankruptcy Code provides as follows:

(b) Subject to subsections (a) and (c) of this section, the plan may—  
...

(2) modify the rights of holders of secured claims, other than a claim secured only by a security interest in real property that is the debtor's principal residence...

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<sup>1</sup> Nationstar Mortgage LLC has not yet filed its formal proof of claim, but intends to do so prior to the claims bar date.

*See* 11 U.S.C. § 1322(b)(2). Further, 11 U.S.C. § 1325(a) provides,

(a) Except as provided in subsection (b), the court shall confirm a plan if—...

(1) The plan complies with the provisions of this chapter and with the other applicable provisions of this title; ...

(3) the plan has been proposed in good faith and not by any means forbidden by law;...

*See* 11 U.S.C. § 1325(a). Nationstar Mortgage LLC is a secured creditor of the Debtor whose claim is secured only by the Debtor's principal residence. The Debtor proposes to cure the prepetition arrears by paying an estimated amount of \$1,297.00 to the bankruptcy trustee. The actual prepetition arrears, however, are \$3,787.15, which is \$2,490.15 more than the Debtor's estimate. As the Debtor is only able to allocate \$316.88 to unsecured creditors, the Debtor will be unable to pay Nationstar Mortgage LLC's prepetition claim in full, let alone pay anything to unsecured creditors. Accordingly, the Debtor has insufficient income to fund a plan that fully provides for Nationstar Mortgage LLC's secured claim.

### **CONCLUSION**

Based upon the evidence before the court and controlling law, Nationstar Mortgage LLC requests that the court deny confirmation of the Debtor's chapter 13 plan.

**TROTT LAW, P.C.**

Dated: March 29, 2024

By: s/ Samuel R. Coleman  
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**VERIFICATION OF FACTS**

I, Samuel R. Coleman, as attorney for Nationstar Mortgage LLC serviced by on its Objection to Confirmation, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information, and belief.

Executed on: March 29, 2024

**s/ Samuel R. Coleman**  
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**PROOF OF SERVICE**

I, Candace Lepley, with an office address of The Academy Professional Building, 25 North Dale Street, St. Paul, MN 55102-2227 declare that on March 29, 2024, I caused the following documents:

**Objection to Confirmation,  
Memorandum of Law in Support,  
Verification of Facts,  
and Proposed Order,**

to be filed electronically with the Clerk of the Bankruptcy Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

**Gregory A Burrell, Trustee**  
**U.S. Trustee** [ustpreion12.mn.ecf@usdoj.gov](mailto:ustpreion12.mn.ecf@usdoj.gov), [ecfbkup@comcast.net](mailto:ecfbkup@comcast.net)  
**Matthew M. Tande, Esq.** [info@prescottpearson.com](mailto:info@prescottpearson.com)

I further declare that I caused a copy of the foregoing documents to be mailed to the following non-ECF participants by enclosing in an envelope and mailed by First Class Mail with postage prepaid and depositing same in the post office at St. Paul, Minnesota:

**Shadrea Letrise Foreman**  
**1614 Hamel Lane**  
**Shakopee, MN 55379**

I declare, under penalty of perjury, that the foregoing is true and correct.

**TROTT LAW, P.C.**

Dated: March 29, 2024

By: s/ Candace Lepley  
Candace Lepley  
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**ORDER**

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This matter came before this court for confirmation of the Debtor's chapter 13 plan of reorganization. Appearances were noted in the record. Based upon the files, records, and arguments of counsel,

**IT IS HEREBY ORDERED**, that confirmation of the Debtor's chapter 13 plan is denied.

DATED:

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Kesha L Tanabe  
United States Bankruptcy Judge